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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/737,365 | 12/16/2003 | Menachem Diamantstein | CM01121S | 5381 |
| 22917 | 7590 | 12/08/2005 | EXAMINER | |
| MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196 | | | YAM, STEPHEN K | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2878 | |

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--------------------------------------------|--|
| Office Action Summary | Application No. 10/737,365 | Applicant(s) DIAMANTSTEIN ET AL. | |
| | Examiner Stephen Yam | Art Unit 2878 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 16-20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 9-15 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1203</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 37 (Fig. 2, 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 16-19, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bard et al. US Patent No. 5,610,387.

Regarding Claims 1, 22, and 23, Bard et al. teach (see Fig. 12) a system, method, and unit for illuminating and reading information on a target (306), the system comprising an illuminating device (400) for illuminating the target (see Fig. 12 and Col. 13, lines 64-67), separate from the illuminating device a user wearable reader device (7) for capturing an optical image of the target when illuminated by the illuminating device (see Col. 14, lines 1-8), detector means (eyes of the wearer of the device) for detecting the location of the reader device (by visual recognition), and adjustment means (muscle in the arms and fingers of the wearer of the device) for adjusting the illumination (orienting the direction of the light emission) provided by the illumination device in response to a signal provided by the detector means (processing by the brain of the wearer of the device according to eyesight) so that a region on the target illuminated by the illuminating means is readable by the reader device (see Col. 13, lines 66-67).

Regarding Claim 2, Bard et al. teach the reader device is operable to read a bar code (306) on the target (see Fig. 12).

Regarding Claim 3, Bard et al. teach the reader device is operable to convert the read bar code into an electronic data signal (see Col. 11, lines 25-31).

Regarding Claim 4, Bard et al. teach the system also includes a radio transmitter (7c) (see Col. 10, lines 36-38) associated with the reader device which is operable to transmit the electronic data signal produced by the reader device to a remote radio receiver (13) (see Col. 10, lines 56-60).

Regarding Claim 5, Bard et al. teach the reader device is adapted to be carried on the wrist, hand, finger or thumb of a user (see Fig. 12).

Regarding Claim 6, Bard et al. teach the reader device includes a bracelet or strap to be attached to a user's wrist (see Fig. 12), or a partly or fully closed ring to be worn on a user's finger or thumb.

Regarding Claim 7, Bard et al. teach the illuminating device is included in a unit which is wearable by the user on another part of the user's body (right hand) (see Fig. 12).

Regarding Claim 16, Bard et al. teach the illuminating means comprises a light source comprising at least one solid state light cell (see Col. 5, lines 9-11 and Col. 9, lines 58-60).

Regarding Claim 17, Bard et al. teach the at least one light cell is selected from the group consisting of a light emitting diode (see Col. 5, lines 9-11 and Col. 9, lines 58-60) and an electroluminescent cell.

Regarding Claim 18, Bard et al. teach the illuminating means includes a light source (see Col. 9, lines 58-60) and is operable such that light from the light source is directed in the form of a beam by a beam director (see Col. 9, lines 40-43) whose orientation may be adjusted.

Regarding Claim 19, Bard et al. teach the beam director comprises a movable mirror, lens, or prism (see Col. 9, lines 40-43).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bard et al.

Regarding Claim 8, Bard et al. teach the system in Claim 7, according to the appropriate paragraph above. Bard et al. do not teach the unit wearable on a user's chest or waist. It is well known in the art to provide flexibility when designing a modular system, to provide placement of components in various areas according to a user's particular desire. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the unit wearable on a user's chest or waist, in the system of Bard et al., to adapt the system for usability for individuals with limited finger or arm mobility.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bard et al. in view of Ackley US Patent No. 6,155,490.

Regarding Claim 20, Bard et al. teach the system in Claim 19, according to the appropriate paragraph above. Bard et al. also teach the beam director comprising a mirror (see Col. 9, lines 40-43). Bard et al. do not teach the mirror which may be oriented electro-mechanically. Ackley teaches (see Fig. 4) a bar-code reading system with a beam director for adjusting the orientation of a light source, comprising a mirror (98) which is oriented electro-mechanically (see Col. 2, lines 14-20 and Col. 2, line 66 to Col. 3, line 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the mirror oriented electro-mechanically, as taught by Ackley, in the system of Bard et al., to provide a smaller quicker, and more precise beam direction component, as taught by Ackley (see Col. 3, lines 3-4).

Allowable Subject Matter

7. Claims 9-15 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding Claim 9, the invention as claimed, specifically in combination with the illuminating means is incorporated in a unit which also incorporates a radio transceiver operable to receive radio signals from a transmitter associated with the reader device and to forward radio signals to a remote receiver, is not disclosed or made obvious by the prior art of record.

Regarding Claims 10-13, the invention as claimed, specifically in combination with a reflector on the reader means and means for irradiating a region including the reader means with a search beam of radiation to be reflected by the reflector when incident thereon, is not disclosed or made obvious by the prior art of record.

Regarding Claims 14-15, the invention as claimed, specifically in combination with the detector means including means for determining the location of the reader device by radio signals sent between a transmitter carried on the reader device and a separate receiver, is not disclosed or made obvious by the prior art of record.

Regarding Claim 21, the invention as claimed, specifically in combination with the detector means including means for irradiating a region including the reader device with a search beam, and the beam director included in the means for illuminating is also operable to direct the search beam, is not disclosed or made obvious the prior art of record.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bard et al. US Patent No. 5,973,032 teaches a system for illuminating and reading information on a target with an illuminating device, a user wearable reader device separate from the illuminating device, detector means for detecting the location of the reader device, and adjustment means for adjusting the illumination in response to the detector means.

Kita et al. US Patent No. 5,023,709 and Kawashima et al. US Patent No. 6,079,862 teach systems with a detector means for detecting the location of an object and adjustment means for adjusting illumination from a light source in response to the detector means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (571)272-2449. The examiner can normally be reached on Monday-Friday 8:30am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571)272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2878

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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THOMAS W. LUU
PATENT EXAMINER